

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HILLARY WALLS-STEWART,

Plaintiff,

v.

AMERICAN FAMILY INSURANCE
COMPANY,

Defendant.

CASE NO. C13-1591RAJ

ORDER DISMISSING CASE

On September 19, 2013, the court ordered Plaintiff Hillary Walls-Stewart to show cause why the court should not dismiss this action for lack of subject matter jurisdiction. In particular, the court ordered her to submit a response in writing, no later than October 11, “explain[ing] specifically how the amount in controversy exceeds \$75,000.” Dkt. # 8.

Since then, Plaintiff’s only submissions to the court have been two motions to consolidate this action with another case pending in this District against the same Defendant. Case No. C13-1549JLR. She filed the motions on the same date, and they are identical except that she used the court’s electronic filing system to designate one a “Proposed Motion” and the other an “Emergency Motion.”

Plaintiff makes no effort to explain how the court has subject matter jurisdiction in this case. It is possible that she believes that if this case were consolidated with the other case, the combined amount in controversy would exceed \$75,000. The court expresses no opinion on the combined amount in controversy in the two cases. It merely holds, for

1 the reasons stated in its order to show cause, that Plaintiff has not met her burden to show
2 that the amount in controversy in *this* case exceeds \$75,000. The court accordingly lacks
3 subject matter jurisdiction.

4 Rule 42 of the Federal Rules of Civil Procedure, which governs consolidation of
5 cases pending in the same federal district court, applies only “to cases that are properly
6 before the same court.” *Ore. Egg Producers v. Andrew*, 458 F.2d 382, 383 (9th Cir.
7 1972) (declining to consolidate improperly removed case with another case pending in
8 same district court). Because Plaintiff has not demonstrated that the court has subject
9 matter jurisdiction over this case, the court cannot consolidate it with another action.

10 The court accordingly DISMISSES this action for lack of subject matter
11 jurisdiction, without prejudice to renewing her claims in a court that has subject matter
12 jurisdiction.

13 DATED this 17th day of October, 2013.

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17 The Honorable Richard A. Jones
18 United States District Court Judge
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